

“marble pattern on plastic faced hardboard”, “simulated travertine on hardboard”, “marble pattern on vinylfaced hardboard” or other nondeceptive terms;

(b) A fiberboard panel having an imitation burlap finish should not be described without qualifications as “burlap” or “burlap finish”. Proper descriptions would include “imitation burlap weave finish”, “simulated burlap design on fiberboard”, “simulated burlap finish on fiberboard”, “burlap pattern on embossed vinyl surface” or other nondeceptive terms. [Guide 4]

§243.5 Misleading illustrations.

Industry members should not use any picture, illustration, diagram or other depiction, either alone or in conjunction with words or phrases, which would have the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers concerning any material fact relating to an industry product. For example, if an advertisement showed installed panels with the color and graining characteristic of walnut, but the paneling being offered was not genuine solid walnut, then the advertisement should contain a clear and conspicuous disclosure of the composition of the product being offered (e.g., “walnut veneer plywood”, “engraved walnut grain design on selected hardwood plywood”, or “simulated walnut finish on hardboard”).³ [Guide 5]

§243.6 Deceptive use of trade or corporate names, coined names, trademarks, etc.

Industry members should not use any trade name, product name, corporate name, coined name, trademark or other trade designation, which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers as to the character, name, nature, composition, or origin of any industry product, or of any material used therein, or which is false or misleading in any other material respect. [Guide 6]

§243.7 Passing off through imitation or simulation of trademarks, trade names, etc.

Industry members should not pass off the products of one industry member as and for those of another through the imitation or simulation of trademarks, trade names, brands, labels or otherwise. [Guide 7]

§243.8 Disclosure of “seconds”, “rejected” or “defective” products, etc.

Industry products which are not of first quality should be legibly marked or labeled in a clear and conspicuous manner as “second”, “rejected”, “defective”, or “blemished”, as the case may be, or by some other term which clearly and conspicuously makes known to purchasers, or potential purchasers viewing the products, the fact that they are not of first quality. Also, such products should not be advertised in any manner without a clear and conspicuous disclosure that the products are not of first quality. Such disclosures should conform with provisions of paragraphs (b) and (c) of §243.1 of this part. [Guide 8]

§243.9 Representations concerning washability, cleanability, etc.

Industry members should not directly or indirectly misrepresent the manner in which the exposed surfaces of prefinished industry products may be washed, cleaned, or otherwise maintained, or fail to clearly and conspicuously disclose the manner in which exposed surfaces may be washed, cleaned, or otherwise maintained without adverse effects whenever representations are made concerning such matters. [Guide 9]

§243.10 Size markings and designations.⁴

Industry members should not:

⁴Officially established Commercial Standards and Product Standards concerning the various industry products are recognized as giving proper guidance for determining dimensions of industry products (e.g., CS157–56; CS176–58; CS35–61; CS251–63; CS236–66; and PS1–66; and amendments or revisions thereof).